

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Robert S. Gans,

Petitioner(s),

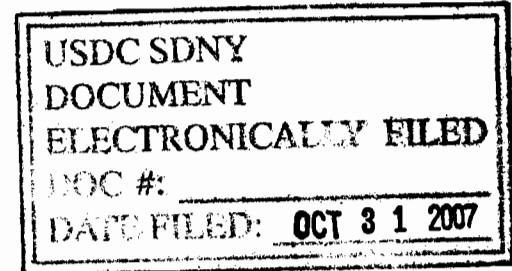
No. 07 Civ. 9328 (LTS)(THK)

-against-

ORDER

Bernstein, Litowitz, Berger & Grossman LLP,

Respondent(s).



LAURA TAYLOR SWAIN, DISTRICT JUDGE:

A petition to confirm an arbitration award having been filed with the Court pursuant to 9 U.S.C. § 9, it is hereby

1. ORDERED that counsel<sup>1</sup> for Petitioner(s) shall serve a copy of this Order on each Respondent within ten (10) calendar days following the date of this order, and that a copy of this Order shall also be served with any subsequent process that brings in additional parties, and that proof of such service shall be filed with the Court promptly. It is further
2. ORDERED that Petitioner(s) shall file promptly with the Court proof of service of the subject petition. It is further
3. ORDERED, that in the event Respondent(s) fail(s) to file and serve a timely response to the petition and does not consent affirmatively to grant of the relief sought therein, Petitioner shall promptly serve on Respondent(s) and file with the Court, with a courtesy copy provided to chambers of the undersigned, a written application for confirmation and entry of judgment on the award. Such application shall include:
  - a. An affidavit confirming that the petition was timely filed and that the award that is the subject of the application has not been vacated or modified and that no application for such relief is currently pending; and
  - b. The papers enumerated in 9 U.S.C. § 13.

Petitioner shall promptly file proof of service of the application. It is further

4. ORDERED that any response(s) to such application shall be served and filed in accordance with Local Civil Rule 6.1(b). It is further
5. ORDERED that, in the event Respondent serves and files opposition to the petition, or Petitioner

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<sup>1</sup> As used in this Order, the term "counsel" shall, in the case of an individual party who is proceeding pro se, mean such party.

fails to file and serve the application described above, a conference shall be held in the above-captioned matter on **February 1, 2008 at 12:30 p.m.** in Courtroom No. 17C<sup>2</sup>, 500 Pearl Street, New York, New York 10007. It is further

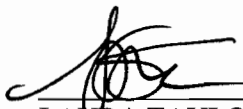
6. ORDERED that counsel for the parties confer preliminarily at least ten (10) days prior to the date set forth in paragraph 5 above to discuss the following matters:
- Contested and uncontested legal issues;
  - Consensual resolution of all or some of the contested issues;
  - Whether each party consents to resolution of this matter by a magistrate judge; and
  - Any anticipated further submissions and a proposed timetable therefor.
  - Settlement.

It is further

7. ORDERED that counsel shall be prepared to discuss the foregoing at the conference, as well as whether mediation may be helpful in resolving this case. It is further
8. ORDERED that counsel attending the conference shall seek settlement authority from their respective clients prior to such conference. If counsel is not granted such authority, the client must be present in person or available by telephone so that a settlement can be consummated if possible. "Settlement authority," as used herein, includes the power to enter into stipulations and make admissions regarding all matters that the participants may reasonably anticipate discussing at the conference including, but not limited to, the matters enumerated in the preceding paragraphs.
9. In the event that any party fails to comply with this Order, the Court may impose sanctions or take other action as appropriate. Such sanctions and action may include assessing costs and attorneys' fees, denying the petition, and/or the imposition of other appropriate penalties.
10. This case has been designated an electronic case. Counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing promptly upon appearing in the case.

IT IS SO ORDERED.

Dated: New York, New York  
October 30, 2007



LAURA TAYLOR SWAIN  
United States District Judge